IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.785 of 2007

DATE OF ORDER: 13.2.2007

Alok Mittal

...Petitioner(s)

Versus

Mrs Nirmala Malik and Others

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr. A.R. Takkar, Advocate.

M.M. AGGARWAL,J

Vide this petition, petitioner prays that summons dated 28.9.2006 issued by Civil Judge(Jr.Divn.), Chandigarh under Order 5 Rule 3 CPC be quashed.

It comes out that respondent Nirmala Malik had filed suit for recovery of damages in which the Court made an order for issuing notice to the defendants of the suit for 14.2.2007. Present petitioner happens to be one of the defendants of the suit. However, it comes out that the summons were issued under Order 5 Rule 3 CPC, where the direction is for the defendant to appear in person although there is no order. As per order, summons were directed to be issued to the defendants, who could put in

appearance through counsel even.

There is no separate order by the Court directing the present petitioner to appear in person due to any reason whatsoever.

Under these circumstances, let present petitioner put in appearance through counsel. Court will be at liberty to make an order for personal appearance of the defendants for the reasons recorded at any stage if the personal appearance of the petitioner is necessary.

With this observation, petition stands disposed of.

Let trial Judge also check up why summons were issued on performa of summons under Order 5 Rule 3 CPC in this case even when there was no order.

February 13, 2007 (M.M. AGGARWAL)
manoj JUDGE